

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4 OFFICE OF LOCAL ASSISTANCE

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July 13, 2012

04-SCL-0-SJ

HPLUL-5005(087)

Coyote Creek Trail

Yves Zsutty  
Project Manager  
City of San Jose

Dear Yves Zsutty

This will confirm that your environmental document has been reviewed and approved in conformance with the National Environmental Policy Act (NEPA). A copy of the signed document is attached.

With this environmental clearance, you may now proceed with final design activities and preparation of right of way documents as necessary. You are reminded that if Federal participation is desired for the right of way and utility relocation phases, you must request and receive a separate "Authorization to Proceed" for right of way before advancing with the property appraisal and acquisition, or utility relocation work.

If you have any questions, please contact me at 510-286-5233

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Wong", with a long horizontal stroke extending to the right.

Alan Wong  
Area Engineer  
Office of Local Assistance

Enclosure

C: Boris Deunert, Senior Environmental Planner

**PROJECT DESCRIPTION:**

(Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)  
Enter project description in this box. Use Continuation Sheet, if necessary

The City of San Jose proposes to develop a paved trail system, approximately 9.1 miles long from SR-237 to Story Road along Coyote Creek. The project will entail, in general, the construction of a 12- foot wide asphalt pedestrian/ bicycle pathway with 2-foot wide compacted base rock shoulders on each side. The project includes the construction of 5 free span pedestrian bridges and 12 undercrossings. The project also includes the installation of trail amenities such as art, signage and seating areas.

**CEQA COMPLIANCE** (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

☐ **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ **Categorically Exempt. Class \_\_\_\_.** (PRC 21084; 14 CCR 15300 et seq.)

☐ **Categorically Exempt. General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3])]

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b)  
(<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec. 771.117).

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to [42 USC 7506\(c\)](#) and [40 CFR 93](#).

**CALTRANS NEPA DETERMINATION**

☒ **Section 6004:** The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)(3)
- 23 CFR 771.117(d): activity (d)( )
- Activity \_\_\_\_ listed in the MOU between FHWA and the State

☐ **Section 6005:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Boris Deunert, Ph.D.

Environmental Branch Chief

HIN P. KUNG  
Senior Transportation Engineer

Signature

Date

Signature

Date